

8-37 Requiring Corrective Action for Releases of Petroleum from Underground Storage Tanks Subtitle I (1200 TN 350 8-37)

1. AUTHORITY. To take all necessary actions under Subtitle I of the Solid Waste Disposal Act (SWDA), as amended, to require the owner or operator of a petroleum underground storage tank (UST) to undertake corrective action.

2. TO WHOM DELEGATED. Director, Land, Chemicals and Redevelopment Division (LCRD); Chief, RCRA Corrective Action Branch 1, LCRD; Chief, RCRA Corrective Action Branch 2, LCRD; Chief, RCRA Programs Branch, LCRD; Director, Enforcement and Compliance Assurance Division (ECAD); and Chief, Air, RCRA, and Toxics Branch, ECAD.

3. LIMITATIONS.

- a. Before the delegatee exercises the authority in paragraph 1, he/she must consult with the Regional Counsel.
- b. Before the delegatee exercises the authority in paragraph 1, he/she must notify the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA).
- c. Before LCRD delegates exercise the authorities in paragraph 1, he/she must consult with Director, ECAD and the Chief, Air, RCRA, and Toxics Branch, ECAD.
- d. The Regional Administrator (RA), the Assistant Administrator for the Office of Land and Emergency Management (AA/OLEM), or the AA/OECA must notify the director of the state agency designated by the governor to implement the UST Program upon exercising the authority under paragraph 1.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the branch chief level, and no further. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. See Delegation 8-26 (Administrative Enforcement).
- b. See Delegation 8-33 (Selection and Performance of Federal Corrective Actions and Leaking Underground Storage Tanks).
- c. RCRA Section 9003(h) and 9006(a).

6. SUPERSESSON. Delegations Manual, SWDA, Regional Delegation 8-37. Requiring Corrective Action for Release of Petroleum from Underground Storage Tanks (Subtitle I), 1200 TN RIII 192 (January 18, 2017).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator